

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STEVEN G. MILLETT,)	
MELODY J. MILLETT,)	
On Behalf Of Themselves and)	
All Others Similarly Situated,)	
Plaintiffs,)	
)	
v.)	C.A. No.: 05-599-SLR
)	
TRUELINK, INC.,)	CLASS ACTION
a Trans Union Company,)	
Defendant.)	

MOTION FOR CLASS CERTIFICATION

Plaintiffs Steven G. Millett and Melody J. Millett ("Plaintiffs"), for their Motion for Class Certification, state as follows:

1. Plaintiffs move for an order, pursuant to Federal Rule of Civil Procedure 23(a), 23(b)(3) and 23(g), certifying Plaintiffs' Fourth Amended Complaint in this action as an "opt out" class action on behalf of the classes that are proposed below, appointing Plaintiffs as class representatives and appointing Plaintiffs' counsel as class counsel.
2. Plaintiffs' Complaint states two types of claims: breach of contract and violations of the Kansas Consumer Protection Act ("KCPA") K.S.A. 50-623, *et seq.*
3. For their claim for breach of contract, Plaintiffs seek certification of the following defined class:

All persons who have purchased credit monitoring services from TrueLink or its predecessors or successors in interest, on or after September 9, 2001, pursuant to a contract for credit monitoring services that was provided by TrueLink or its

predecessors or successors in interest for purposes of such sale. The following individuals are excluded from this class: (1) employees, officers or directors of TrueLink, and any of their legal representatives, heirs, successors and assignees; and (2) the Judge to whom this case is assigned, any member of the Judge's family and any staff who work for the Judge during the pendency of this litigation.

4. For their claims for violations of the KCPA, Plaintiffs seek certification of the following defined class:

All persons who have purchased credit monitoring services from TrueLink or its predecessors or successors in interest, on or after September 9, 2001. The following individuals are excluded from this class: (1) employees, officers or directors of TrueLink, and any of their legal representatives, heirs, successors and assignees; and (2) the Judge to whom this case is assigned, any member of the Judge's family and any staff who work for the Judge during the pendency of this litigation.

5. This Motion is made on the grounds that class certification is appropriate under Federal Rule of Civil Procedure 23(a) because the class is so numerous that joinder of all members is impracticable; there are questions of law and fact common to the class; the claims of Plaintiffs are typical of the claims of the class; and Plaintiffs will fairly and adequately protect the interests of the class.

6. Class certification is appropriate under Federal Rule of Civil Procedure 23(b)(3) because questions of law and fact that are common to the members of the class predominate over any questions affecting only individual members, and a class action is superior to other available

methods for fair and efficient adjudication of the controversy, as more fully set forth in the accompanying Brief in Support of Motion for Class Certification.

7. This Motion is based upon the accompanying Brief in Support of Motion for Class Certification; the supporting declarations and exhibits; the pleadings, papers and other documents on file herein; and such further evidence or argument as the Court properly may consider at or before the hearing on this Motion.

Respectfully submitted,

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COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Christopher J. Curtin, Esq., hereby certify that on August 13, I electronically filed the foregoing Plaintiffs' Motion for Class Certification with the Clerk of the District Court using CM/ECF, which will send notification of such filing to the following:

William M. Lafferty, Esq.
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DATE: August 13, 2007